

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

HEATHER SANDERS

PLAINTIFF

V.

CIVIL ACTION NO. 1:18-CV-176-SA-DAS

MAGNOLIA REGIONAL HEALTH CENTER

DEFENDANT

ORDER

The Plaintiff filed her Complaint [1] under the Mississippi Tort Claims Act, in this Court on September 17, 2018, against Magnolia Regional Health Center. In her Complaint [1] the Plaintiff asserts diversity jurisdiction and includes a jury demand. Now before the Court is the Defendant's unopposed Motion for a Bench Trial [5] pursuant to Mississippi Code § 11-46-13(1).

In relevant part, § 11-46-13(1) states that "the judge of the appropriate court shall hear and determine, without a jury, any suit filed under the provisions of this chapter." *See James v. City of Pontotoc, Miss.*, 2008 WL 3896713, *1 (N.D. Miss. Aug. 19, 2008). Given the mandate of this code section, the Plaintiff's claims must be determined by the Court as the trier of fact rather than a jury. Accordingly, the Defendant's Motion for Bench Trial [5] is GRANTED.

SO ORDERED on this, the 27th day of February, 2019.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE